

1  
2  
3  
4  
5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 DENNIS K. SUDBERRY, }  
8 Plaintiff, }  
9 v. }  
10 ISIDRO BACA et al., }  
11 Defendants. }  
12 \_\_\_\_\_ )

3:15-cv-13-RCJ-WGC  
**ADDENDUM TO  
SCREENING ORDER**

13 **I. DISCUSSION**

14 On June 16, 2015, this Court entered a screening order dismissing Plaintiff's complaint  
15 in its entirety, without prejudice, with leave to amend. (ECF No. 16 at 6). The Court now  
16 provides the legal standard for leave to amend and sets the deadlines for filing an amended  
17 complaint.

18 Plaintiff is granted leave to file an amended complaint to cure the deficiencies of the  
19 complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended  
20 complaint supersedes the original complaint and, thus, the amended complaint must be  
21 complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542,  
22 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint  
23 is irrelevant; an amended pleading supersedes the original"); see also *Lacey v. Maricopa  
Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a  
25 plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve  
them for appeal). Plaintiff's amended complaint must contain all claims, defendants, and  
27 factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file  
28 the amended complaint on this Court's approved prisoner civil rights form and it must be  
entitled "First Amended Complaint."

1 The Court notes that if Plaintiff chooses to file an amended complaint curing the  
2 deficiencies of his complaint, as outlined in this order, Plaintiff shall file the amended complaint  
3 within 30 days from the date of entry of this order. If Plaintiff chooses not to file an amended  
4 complaint curing the stated deficiencies, the Court shall dismiss this action without prejudice.

## 5 || II. CONCLUSION

6 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall file and  
7 docket Plaintiff's complaint (ECF No. 1-1).

8 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint curing  
9 the deficiencies of his complaint, as outlined in this Court's June 16, 2015 screening order,  
10 Plaintiff shall file the amended complaint within 30 days from the date of entry of **this** order.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
12 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his  
13 original complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he must  
14 use the approved form and he shall write the words "First Amended" above the words "Civil  
15 Rights Complaint" in the caption.

16 IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint curing the  
17 deficiencies outlined in this screening order, this action shall be dismissed without prejudice.

19 DATED: This 17th day of June, 2015.

  
R. Jones  
United States District Judge